

ENTERED

July 23, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**LOYDA ALVAREZ, Individually and for
Others Similarly Situated,

v.

NES GLOBAL, LLC

Case No. 4:20-cv-01933

FLSA Collective Action

JUDGMENT

In accordance with the Court's previous Orders (Docs. 127, 139), the Court hereby issues this JUDGMENT resolving the matters raised in this Action as follows:

IT IS ORDERED, ADJUDGED, and DECREED that Defendant NES Global LLC ("NES") is liable to Plaintiff Loyda Alvarez ("Alvarez") and the Opt-in Plaintiffs (together, "Plaintiffs") for unpaid overtime under the Fair Labor Standards Act ("FLSA") for workweeks Plaintiffs received a retainer plus additional compensation on a daily basis during the two-year statute of limitations period.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that NES is not entitled to an exemption defense under the FLSA as a matter of law because NES misclassified Plaintiffs as exempt employees and because NES did not pay Plaintiffs on a salary basis under either 29 C.F.R. § 541.602(a) or § 541.604(b).

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Plaintiff Alvarez is not exempt under the New Mexico Minimum Wage Act ("NMMWA") and NES is liable to Plaintiff Alvarez under the NMMWA for those workweeks in which she worked a total of 62.25 overtime hours within the state of New Mexico. *See* Doc. 131 at 1 ("NES agrees not to contest Alvarez's claims that she worked a total of 62.25 total hours of overtime in New Mexico for purposes of Alvarez's NMMWA claim.").

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that NES's violations of the FLSA were in good faith and NES had reasonable grounds to believe its actions complied with the FLSA such that Plaintiffs will not be awarded liquidated damages.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that NES's violations of the FLSA were not willful such that the two-year statute of limitations period applies to Plaintiffs' FLSA claims.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Plaintiffs met their *prima facie* burden to show they performed work for which they were not properly compensated.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Plaintiffs are awarded unpaid overtime wages, subject to applicable deductions and withholdings as required by law, as follows:

Name	Unpaid Overtime Owed
Albert Rodriguez	\$24,000.00
An Ng	\$5,000.00
Andrew Jamieson	\$9,120.00
Andrew van Buren	\$0.00
Antonio Wood	\$16,642.50
Antonio Yanez	\$9,000.00
Babak Akbari	\$7,206.67
Billy Batey	\$0.00
Braddley Burrell	\$10,450.00
Bradley McFadden	\$0.00
Buck Lindsay	\$10,687.50
Cameron Wain	\$26,562.50
Chad Dabney	\$0.00
Charles Blanchard	\$0.00
Charles Crawford	\$650.00
Charles Hester	\$29,700.00
Curtis Needham	\$21,712.50
Darleen Blakley Henderson	\$1,540.00
Darren Richards	\$0.00
David Thomas	\$15,600.00
David Vella	\$18,225.00
Deloyd McDaniel	\$0.00

Dennis Bond	\$6,000.00
Doug Conn	\$3,100.00
Douglas Wallace	\$0.00
Edward Reyes	\$2,660.00
Emmett Egnew	\$0.00
Gary Holt	\$0.00
Gerald Beer	\$20,756.25
Gerard Shallow	\$22,150.00
Gregory Smith	\$25,987.53
Herbert Temple	\$5,434.44
Ian Magee	\$13,847.50
Jack Wall	\$0.00
James Bertagnolli	\$0.00
James DeMouy	\$0.00
James McGowan	\$24,442.50
Jeremy Hippler	\$0.00
Jimmy Phillips	\$0.00
John Lauterbach	\$0.00
John Sanchez	\$23,151.88
Jolyn Anderson	\$12,600.00
Jon Hilton	\$17,100.00
Josh Clifford	\$13,600.00
Karen Heady	\$12,875.00
Kerry Traynum	\$20,000.00
Kevin Pederson	\$0.00
King Torres	\$16,980.00
Larry Moerbe	\$10,687.50
Lawrence Dautel	\$0.00
Loyda Alvarez ¹	\$17,499.20
Luis Perez	\$0.00
Madjid Benchamma	\$0.00
Marc Shaffer	\$75,708.33
Mark Erickson	\$0.00
Martin Lee	\$0.00
Matthew Scott	\$15,675.00
Michael Powell	\$63,140.00
Michael Robinson	\$0.00
Neal Lonion	\$14,025.00
Patrick Mouna	\$24,084.12
Paul Jordan	\$0.00
Paul Volpe	\$0.00

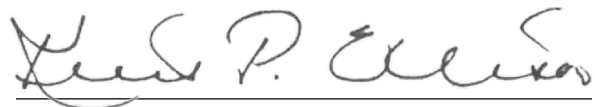
¹ Alvarez's damages for unpaid overtime include damages under both the FLSA and NMMWA.

Ralph Flanagan	\$0.00
Randal Patches	\$18,870.00
Rembert Gomez	\$0.00
Rhonda Thompson	\$0.00
Richard McSween	\$56,430.00
Robert Hodge	\$0.00
Robert Williamson	\$12,370.40
Rodney Cressionnie	\$22,818.75
Ronald Watson	\$0.00
Ryan Thompson	\$22,737.50
Sammie Dunn ²	\$8,750.00
Thomas Petersen	\$19,305.40
Traci Hall	\$3,973.75
Tyler Brown	\$0.00
Vernon Mudd	\$0.00
Wallace Lew	\$5,051.75
William Horne	\$6,662.50
William Horton	\$0.00
William McMillian	\$31,305.00
Yanya Viskovich	\$0.00
Zane Jobe	\$0.00

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Plaintiffs' Counsel shall move for an award of attorney's fees and costs by September 20, 2024.

IT IS SO ORDERED.

SIGNED at Houston, Texas on this the 22nd of July, 2024.



The Honorable Keith P. Ellison
United States District Judge

² Mr. Dunn joined this Action as an opt-in plaintiff on October 22, 2021. Doc. 65. Regrettably, he passed away thereafter on July 29, 2022. Plaintiff will file an unopposed Motion for Substitution of Parties pursuant to Federal Rule of Civil Procedure 25(a) to substitute Ledys Dunn, Mr. Dunn's widow and the executor of his estate, for Mr. Dunn.